

SB1535



98TH GENERAL ASSEMBLY

State of Illinois

2013 and 2014

SB1535

Introduced 2/13/2013, by Sen. Chapin Rose

SYNOPSIS AS INTRODUCED:

65 ILCS 5/7-1-13

from Ch. 24, par. 7-1-13

Amends the Illinois Municipal Code. Provides that a municipality may not annex territory owned by a public water district except as provided by a Division of the Illinois Municipal Code regarding municipality relationship to public water districts. Effective immediately.

LRB098 06642 OMW 36686 b

A BILL FOR

1 AN ACT concerning local government.

2 **Be it enacted by the People of the State of Illinois,**
3 **represented in the General Assembly:**

4 Section 5. The Illinois Municipal Code is amended by
5 changing Section 7-1-13 as follows:

6 (65 ILCS 5/7-1-13) (from Ch. 24, par. 7-1-13)

7 Sec. 7-1-13. Annexation.

8 (a) Whenever any unincorporated territory containing 60
9 acres or less, is wholly bounded by (a) one or more
10 municipalities, (b) one or more municipalities and a creek in a
11 county with a population of 400,000 or more, or one or more
12 municipalities and a river or lake in any county, (c) one or
13 more municipalities and the Illinois State boundary, (d) except
14 as provided in item (h) of this subsection (a), one or more
15 municipalities and property owned by the State of Illinois,
16 except highway right-of-way owned in fee by the State, (e) one
17 or more municipalities and a forest preserve district or park
18 district, (f) if the territory is a triangular parcel of less
19 than 10 acres, one or more municipalities and an interstate
20 highway owned in fee by the State and bounded by a frontage
21 road, (g) one or more municipalities in a county with a
22 population of more than 800,000 inhabitants and less than
23 2,000,000 inhabitants and either a railroad or operating

1 property, as defined in the Property Tax Code (35 ILCS
2 200/11-70), being immediately adjacent to, but exclusive of
3 that railroad property, (h) one or more municipalities located
4 within a county with a population of more than 800,000
5 inhabitants and less than 2,000,000 inhabitants and property
6 owned by the State, including without limitation a highway
7 right-of-way owned in fee by the State, or (i) one or more
8 municipalities and property on which a federally funded
9 research facility in excess of 2,000 acres is located, that
10 territory may be annexed by any municipality by which it is
11 bounded in whole or in part, by the passage of an ordinance to
12 that effect after notice is given as provided in subsection (b)
13 of this Section. Land or property that is used for agricultural
14 purposes or to produce agricultural goods shall not be annexed
15 pursuant to item (g). Nothing in this Section shall subject any
16 railroad property to the zoning or jurisdiction of any
17 municipality annexing the property under this Section. The
18 ordinance shall describe the territory annexed and a copy
19 thereof together with an accurate map of the annexed territory
20 shall be recorded in the office of the recorder of the county
21 wherein the annexed territory is situated and a document of
22 annexation shall be filed with the county clerk and County
23 Election Authority. Nothing in this Section shall be construed
24 as permitting a municipality to annex territory of a forest
25 preserve district in a county with a population of 3,000,000 or
26 more without obtaining the consent of the district pursuant to

1 Section 8.3 of the Cook County Forest Preserve District Act nor
2 shall anything in this Section be construed as permitting a
3 municipality to annex territory owned by a park district
4 without obtaining the consent of the district pursuant to
5 Section 8-1.1 of the Park District Code. Nothing in this
6 Section shall be construed as permitting a municipality to
7 annex territory owned by a public water district organized
8 under "An Act in relation to public water districts", approved
9 July 25, 1945, as amended, except as provided by Section
10 11-151-4 of the Illinois Municipal Code.

11 (b) The corporate authorities shall cause notice, stating
12 that annexation of the territory described in the notice is
13 contemplated under this Section, to be published once, in a
14 newspaper of general circulation within the territory to be
15 annexed, not less than 10 days before the passage of the
16 annexation ordinance, and for land annexed pursuant to item (g)
17 of subsection (a) of this Section, notice shall be given to the
18 impacted land owners. The corporate authorities shall also, not
19 less than 15 days before the passage of the annexation
20 ordinance, serve written notice, either in person or, at a
21 minimum, by certified mail, on the taxpayer of record of the
22 proposed annexed territory as appears from the authentic tax
23 records of the county. When the territory to be annexed lies
24 wholly or partially within a township other than the township
25 where the municipality is situated, the annexing municipality
26 shall give at least 10 days prior written notice of the time

1 and place of the passage of the annexation ordinance to the
2 township supervisor of the township where the territory to be
3 annexed lies. If the territory to be annexed lies within the
4 unincorporated area of a county, then the annexing municipality
5 shall give at least 10 days' prior written notice of the time
6 and place of the passage of the annexation ordinance to the
7 corporate authorities of the county where the territory to be
8 annexed lies.

9 (c) When notice is given as described in subsection (b) of
10 this Section, no other municipality may annex the proposed
11 territory for a period of 60 days from the date the notice is
12 mailed or delivered to the taxpayer of record unless that other
13 municipality has initiated annexation proceedings or a valid
14 petition as described in Section 7-1-2, 7-1-8, 7-1-11 or 7-1-12
15 of this Code has been received by the municipality prior to the
16 publication and mailing of the notices required in subsection
17 (b).

18 (Source: P.A. 96-1000, eff. 7-2-10; 96-1048, eff. 7-14-10;
19 96-1049, eff. 7-14-10; 97-333, eff. 8-12-11; 97-446, eff.
20 8-19-11.)

21 Section 99. Effective date. This Act takes effect upon
22 becoming law.